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5 UNITED STATES DISTRICT COURT  
6 FOR THE DISTRICT OF WASHINGTON  
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8 UNITED STATES OF AMERICA,

No. CR-13-2045-EFS-2

9 Plaintiff,

Order Denying Defendant's Second  
Motion for Reconsideration of Order  
of Detention (**ECF 67**)

10 vs.  
11

12 KYLE ALAN RICHARDSON,

13 Defendant.  
14

15 The matter came on for hearing on May 28, 2013. The United States was  
16 represented by AUSA Benjamin Seal. The Defendant was represented by James  
17 Egan. The Court heard argument in open court and at side bar. The Court is fully  
18 informed.

19 The United States has invoked the rebuttable presumption against the  
20 Defendant under Section 3142(e). The Defendant is charged with a drug offense  
21 with a minimum penalty of 10 years in custody or more.

22 Defendant has proposed that he be released to live with his father in  
23 Lewiston, Idaho. He agrees to attend daily AA meetings and submit to daily  
24 urinalysis testing, He would agree to home detention and electronic monitoring.  
25 The Court has twice before considered those conditions and found them wanting.  
26 ECF 49 and ECF 60. Defendant has a serious drug addiction and needs in patient  
27 treatment in a secure facility.  
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1 Defendant's primary reason for seeking release again is that he has suffered  
2 from some medical conditions while in jail. Those conditions include congestive  
3 heart failure (diagnosed in 2002), insulin dependent diabetes, gall stones and gout.  
4 The Court notes as to the congestive heart failure, that since diagnosis, Defendant  
5 has been convicted of battery, assault, violation of a protective order and  
6 possession of a controlled substance. Thus, Defendant's criminal behavior does not  
7 seem to have been impacted or slowed by his heart condition. He has also been  
8 charged with 3 separate and pending cases involving delivery of a controlled  
9 substance. His diabetes appears controlled by insulin and he has received treatment  
10 in jail for the gall stones and gout.

11 The Court does not find that the Defendant has overcome the presumption of  
12 detention. He has not been compliant with prior court orders even after posting a  
13 cash bond on one of the pending drug cases in Idaho. He and his family do not  
14 have the means to pay for inpatient treatment or electronic home monitoring.  
15 Although Defendant may have involuntarily "detoxed" by virtue of his  
16 incarceration, he does not have the tools necessary to maintain a clean and  
17 abstinent life style if the Court released him.

18 The Court **DENIES** the Defendant's Second Motion for Release.

19 **IT IS SO ORDERED.**

20 DATED this 28<sup>th</sup> day of May, 2013.

21  
22 s/James P. Hutton  
23 JAMES P. HUTTON  
24 UNITED STATES MAGISTRATE JUDGE  
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